

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 17960 OF 2006

DATED: 30.8.2006

Between:

Ragam Mallesha

... Petitioner

AND

The Land Acquisition Officer,
Hyderabad Urban Development Authority,
Hyderabad.

..Respondent

HON'BLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION No.17960 OF 2006

ORAL ORDER:

Petitioner is aggrieved that the respondent has failed to award statutory interest @ 9% for the first year from the date of taking possession of his lands for acquisition i.e., 29.08.1987 and has also not awarded statutory interest thereafter at 15% p.a. till the date of payment i.e., 12.08.2004, on the total compensation amount payable. He is also aggrieved by the deduction of income tax at source out of the interest payable pursuant to the Award No.72 of 2004 dated 17.07.2004.

Petitioner contends that in a substantially similar case, this Court had entertained the writ petition and by the judgment dated 28.09.2004 in WP.No.12992 of 2004 had granted relief to the petitioner therein.

The petitioner is aggrieved by the amount of compensation determined including the component of interest and the deductions made. According to the petitioner the computation of the interest component and the deduction of income tax as source from the compensation amount are illegal in view of the decision of the Supreme Court in **BIKRAM SINGH AND OTHERS v. LAND ACQUISITION COLLECTOR AND OTHERS**^[1] followed in the judgment of this Court in **RANA PRATAP SINGH AND OTHERS v.**

**LAND ACQUISITION OFFICER-RDO, HYDERABAD AND
OTHERS^[2]**

This grievance is more appropriately to be urged by the petitioner by seeking a reference under Section 18 of the Act and not under Article 226 of the Constitution of India. The petitioner may pursue the appropriate remedies under Section 18 of the Act.

The writ petition is disposed of as above at the stage of admission. No order as to costs.

GODA RAGHURAM, J

Date: 30.08.2006
ES

^[1] (1997) 10 SCC 243

^[2] 1998 (5) ALT 197